IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.594 OF 2000

Rajendra Mahadev Mali ...Appellant

Vs.

Gundopant Kenath Gondkar ...Respondent

Mr.Vineet B. Naik for the Appellant.
Mr.P.V.Bandadare for Respondent.

CORAM: A.S.OKA, J.

DATED: JANUARY 20, 2005.

P.C.:

1. Heard Counsel appearing for the parties. Considering the relief claimed in the original suit, I find that the suit itself has become infructuous. Hence, Appeal is liable to be dismissed.

2. While dismissing the Appeal, it is to be noted here that the entire approach of the learned Trial Judge was shocking. On the very day on which the suit was filed, he has taken up the suit for final hearing by treating the oral submissions of the Respondent as oral written statement. Though Second Appeal is dismissed, I record strong dis-appproval of the manner in which the suit is decided by the Trial Judge.

3. Second Appeal is dismissed with no order as to costs.

Judge.